

# Order

Michigan Supreme Court  
Lansing, Michigan

July 29, 2019

Bridget M. McCormack,  
Chief Justice

158624 & (20)

David F. Viviano,  
Chief Justice Pro Tem

JOSEPH JASMAN,  
Plaintiff-Appellant,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 158624  
COA: 344389

RICHARD A. HANDLON CORRECTIONAL  
FACILITY WARDEN,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the September 11, 2018 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. The motion to appoint counsel is DENIED.



a0722

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 29, 2019

Clerk

**Court of Appeals, State of Michigan**

**ORDER**

Joseph Jasman v Richard A Handlon Correctional Facility Warden

Docket No. 344389

LC No. 18-033016-AH

Jane E. Markey  
Presiding Judge

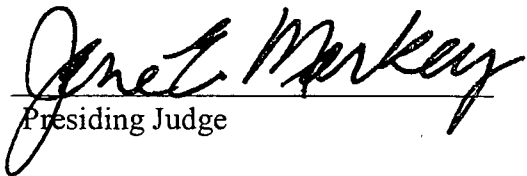
Jane M. Beckering

Mark T. Boonstra  
Judges

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The Court orders that the motion for appointment of counsel is DENIED.

The Court further orders that the complaint for habeas corpus is DENIED.

  
Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 11 2018

Date

  
Chief Clerk

**Appendix A**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF IONIA

JOSEPH JASMAN, 151314,  
Petitioner,

File # 18-K-33016-AH

V

HON. SUZANNE HOSETH KREEGER

DEWAYNE BURTON, Warden  
Respondent,

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**OPINION AND ORDER DENYING PETITION FOR HABEAS CORPUS**

At a session of said Court held in the  
Courthouse in the City of Ionia, Michigan  
on the 4th day of April, 2018

**PRESENT: HONORABLE SUZANNE HOSETH KREEGER, Circuit Judge**

**Review of Petition by the Court**

This matter is before the Court on Petitioner's Petition for Writ of Habeas Corpus filed by this court on January 30, 2018, wherein the Petitioner claims that his detention is unlawful as his sentencing judge did not file an Oath of Office, as required by MCL 15.93.

The Petitioner is currently incarcerated at Richard A Handlon Correctional Facility following a jury trial in Wayne County for First Degree Murder, contrary to MCL 750.316 to which he has been sentenced to life in prison.

The Court has reviewed the Complaint. MCR 2.116(i)(l) allows a Court to render an immediate judgment, "if the pleadings show that the party is entitled to a judgment as a matter of law, or if the affidavits and other proof show that there is no genuine issue of the material fact." A Court does not need to wait for a Defendant to move for Summary Disposition before dismissing a case. *Sobiecki v DOC*, (COA #264121, May 18, 2006

### Application of Law to Plaintiff's Claim

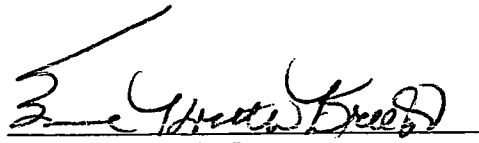
After reviewing this matter, it appears that the Petitioner is not entitled to the relief requested. The Petitioner claims that his Judgment of Sentence, following his 1977 conviction by jury for First Degree Murder is null and void as the trial judge, Honorable Robert L. Evans of the Wayne County, did not file an Oath of Office. He alleges that because of this, the MDOC has no authority to detain him. While the Petitioner did attach as an exhibit a response from the Michigan Secretary of State dated January 15, 2016 regarding a Freedom of Information Act (FOIA) Request for certified copy of the Oath of Office for three judges, including Honorable Robert L. Evans for the time period of 1970 to 1980, this Court is not satisfied that the response to the FOIA request is indicative that an Oath of Office did not exist at the time the Petitioner was sentenced.

The Court having reviewed and considered the Petitioner's requested relief finds that there is not a radical defect that would render the judgment or proceedings absolutely void and does not constitute a radical defect in jurisdiction. Accordingly, being fully advised;

**IT IS ORDERED** that the Petitioner's Petition for Writ of Habeas Corpus is **DENIED**.

**THIS IS A FINAL ORDER** and closes this case.

Date: April 4, 2018

  
Suzanne Hoseth Kreeger  
Circuit Court Judge

#### CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 4-5-18

By: ☒ U.S. Mail ☐ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Certified Mail ☐ Other:

Signature \_\_\_\_\_

**Additional material  
from this filing is  
available in the  
Clerk's Office.**